

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA, ex
rel. BRYAN QUESENBERRY,

Plaintiff,

vs.

QUICKSILVER, LLC; RENOVATED
MONTANA PROPERTIES, LLP;
STEP ABOVE MANAGEMENT,
LLC; and WALLIS CORPORATION,

Defendants.

CV 20-133-M-DLC-JTJ

ORDER

Before the Court is Relator Bryan Quesenberry's Notice of Dismissal. (Doc. 19). Mr. Quesenberry filed a notice of dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and "voluntarily dismiss[es] this matter with prejudice to Relator and without prejudice to the United States of America." (*Id.* at 1.) Pursuant to 31 U.S.C. § 3730(b)(1), the United States consents to the dismissal of this action without prejudice to the United States. (Doc. 20. at 2.) The United States having consented to dismissal, and Defendants having not filed an answer or a motion for summary judgment, the Court concludes that dismissal under Rule 41(a) is appropriate.

Mr. Quesenberry further requests that the Court refund his filing fee "due to the limited time this case has been on the Court's docket and the voluntary nature

of the present dismissal.” (Doc. 19 at 2.) But this case has been pending for over a year, and Judge DeSoto and Judge Johnston have ruled on several motions during its pendency; even if a short pendency and voluntary dismissal could justify a refund of filing fees, the Court would not find those conditions satisfied in this case. The Court will deny this request.

The United States requests that the relator’s complaint (Doc. 1), relator’s notice of dismissal (Doc. 19), the United States’ notice (Doc. 20), the Court’s Order dismissing this action, and all subsequent filings be unsealed, while all other papers remain sealed “because in discussing the content and extent of the United States’ investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.” (Doc. 20 at 2.) However, upon review of the filings in this case, only Documents 6, 10, 12, 13, 15, and 17 contain information concerning “the content and extent of the United States’ investigation”; thus, only those docket entries shall remain under seal or filed ex parte.

Accordingly, IT IS ORDERED that the above-captioned matter is DISMISSED WITH PREJUDICE as to Relator Bryan Quesenberry and WITHOUT PREJUDICE to the United States of America under Fed. R. Civ. P. 41(a)(1).

IT IS FURTHER ORDERED that Relator's request for the return of his filing fee is DENIED.

IT IS FURTHER ORDERED that the United States' request to partially unseal this action and Docs. 1, 19, 20, this order, and all subsequent filings is GRANTED IN PART and DENIED IN PART. This action and all filings except Docs. 6, 10, 12, 13, 15, and 17 shall be unsealed as of the date of this order.

DATED this 21st day of December, 2021.



Dana L. Christensen, District Judge
United States District Court